IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 22870 of 2004

Between:

Mohammed Khalid, S/o.Gulam Anwar, Head Constable

No.1659, Rain Bazar Police Station, Hyderabad, R/o.H.No.

23-2-155, Mogulpura, Hyderabad.

..... PETITIONER

AND

1. Commissioner of Police, Hyderabad City, Hyderabad.
2. Director General & Inspector General of Police,

Andhra Pradesh, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more so in the nature of writ of mandamus by declaring the action of the respondents in failure to consider the case of the petitioner for regularization of his services in the cadre of Head Constable from the date of his initial appointment dt.5.11.1982 as Head Constable and consequential reckoning of seniority with effect from the said date as highly arbitrary, illegal, discriminatory and as such unconstitutional and violative of Articles 14 and 16 of the Constitution and set aside the same including the orders of the Tribunal in OA.No.7179 of 1990, dt.13.8.2004 and consequently direct the respondents 1 and 2 to consider the case of the petitioner for reckoning the seniority with effect from the date of his initial appointment as Head Constable dt.5.11.1982 with all consequential and monetary

benefits.

The Court at the stage of admission made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal in O.A.No.7179 of 1999, dated 13.8.2004.

2. The writ petitioner and others filed the above OA before the Tribunal seeking direction to the respondents to regularize their services and reckon the seniority in the category of Head Constables from the date of their initial promotion without reference to the delay in being sent for training and for consequential benefits. The Tribunal, after considering the matter, dismissed the above OA by observing as follows:

> "After going through the record and after hearing both the counsel, it is seen that certain Head Constables are promoted on out of seniority basis, the Commissioner of Police had issued orders on 6.12.1995 based on G.O.219, dated 14.7.1995 ordering promotions and regularizing their service from the date of their promotions as Head Constables. From these proceedings, it can be seen that all these 9 persons were appointed much earlier to the date on which the applicants were allowed to act as OS Head Constables. This Tribunal in OA.No.3268/92 and batch case ordered on 13.4.1994 that only those who were promoted on O/S basis and who have worked or working as such, for more than three years should be subjected to training and directed them to appear for the promotional examination after the training period. Thus, the applicants were sent for training as per the orders issued on 2.9.1994 and after getting qualified, they were included in the C-List for promotion as Head Constables on regular basis. Thus, the applicants in view of judgment in OA.No.3268/92, now cannot reopen the issue by filing the O.A. on the same issue. In view of this, the O.A. is not maintainable. There are no merits in the O.A. Accordingly the O.A. is dismissed, rejecting the request of the applicants".

Against the said order, the present Writ Petition has been filed by one of the applicants before the Tribunal.

3. The learned counsel for the petitioner submits that on account of administrative lapses, the petitioner should not be allowed to suffer the consequences and that the petitioner and others were promoted in 1982 as O/S Head Constables and therefore the date of their initial promotion as O/S Head Constable should be taken into consideration.

4. We have heard the learned Government Pleader for Services-I.

5. We are afraid we cannot accept the contention of the learned counsel for the petitioner. The Tribunal has discussed the said contention at length in the paragraph referred to above. In view of this, we do not interfere with the order of the Tribunal. Thus, we do not find any ground to admit the Writ Petition.

6. Accordingly the Writ Petition is dismissed at the admission stage. No costs.

(G.BIKSHAPATHY, J.)

17th December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1. The Commissioner of Police, Hyderabad City, Hyderabad.

2. The Director General & Inspector General of Police,

Andhra Pradesh, Saifabad, Hyderabad.

3. The Registrar, A.P. Administrative Tribunal, Hyderabad.

4. 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

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